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July 17, 2008

Hon. P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Race Day Stable, LLC V. Ebert Vans Inc.*;
Case No.: 08-cv-4220 (PKC)
Joint Letter From Counsel – Pre-Trial Conference

Dear Judge Castel:

Counsel for the Plaintiff and Defendants jointly submit this letter addressing the items set forth in Your Honor's Order Scheduling Initial Pre-Trial Conference. The date and time of the Conference is:

**July 25, 2008
10:30 a.m.**

(1) *A brief description of the case, including factual and legal bases for the claim(s) and defense(s).*

This case involves the transportation, and subsequent injury and death, of a thoroughbred gelding known as "Please Be Quick." Defendant Ebert Vans Inc. contracted with Plaintiff to transport Please Be Quick from In Front Training Center to Belmont Park. During transport, the horse's leg came through the floor of the van and Please Be Quick was injured as a result thereof and was euthanized shortly thereafter.

Plaintiff Race Day Stable, LLC seeks compensation for the damages sustained due to the loss of Please Be Quick, based on theories of negligence, property damage and loss, *res ipsa loquitor*, breach of implied contract and bailee liability/breach of implied warranty.

(2) *Any contemplated motions.*

Neither party foresees the filing of any motions at this early stage of the proceeding, but each respectfully reserves the right to do so as the matter progresses.

(3) *Prospect For Settlement.*

Counsel for Plaintiff and Defendants have not discussed the issue of settlement, although both counsel would be amenable to exploring settlement options at the initial conference and as the litigation progresses.

Respectfully submitted,

/s/

Jonathan Uretsky, Esq.
Counsel for Plaintiff

/s/

Howard Lefkowitz, Esq.
Counsel for Defendants

Encl. (Summons and Amended Complaint and Amended Answer)